

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION

OPHA D. THOMPSON,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Defendant.

Case No.

REMOVED FROM THE CIRCUIT  
COURT OF LAUDERDALE  
COUNTY, ALABAMA  
CASE NO. 41-CV-2017-900279.00

**DEFENDANT'S NOTICE OF REMOVAL**

**EXHIBIT A**



**Service of Process  
Transmittal**

08/23/2017

CT Log Number 531808549

**TO:** Jessica Roessel, Process Mgmt Analyst  
PGIM Real Estate  
Viewing Rights Only, 751 Broad Street  
4th Floor  
Newark, NJ 07102

**RE: Process Served in Alabama**

**FOR:** The Prudential Insurance Company of America (Domestic State: NJ)

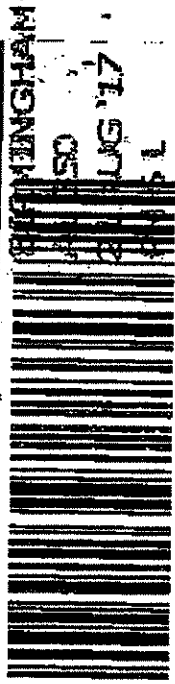
**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Opha D. Thompson, Pltf. vs. The Prudential Insurance Company of America, Dft.  
**DOCUMENT(S) SERVED:** Summons, Attachment, Complaint  
**COURT/AGENCY:** Lauderdale County Circuit Court, MS  
Case # 41CV201790027900  
**NATURE OF ACTION:** Employee Litigation - Wrongful Termination - November 7, 2014  
**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Montgomery, AL  
**DATE AND HOUR OF SERVICE:** By Certified Mail on 08/23/2017 postmarked on 08/18/2017  
**JURISDICTION SERVED :** Alabama  
**APPEARANCE OR ANSWER DUE:** Within 30 days after summons and complaint or other document were served on you  
**ATTORNEY(S) / SENDER(S):** R. Willson Jenkins  
P.O. Box 1061  
Florence, AL 35631-1061  
256-764-3941  
**ACTION ITEMS:** CT has retained the current log, Retain Date: 08/23/2017, Expected Purge Date:  
08/28/2017  
Image SOP  
Email Notification, Legal Process Unit legal.process.unit@prudential.com  
**SIGNED:** C T Corporation System  
**ADDRESS:** 2 North Jackson Street  
Suite 605  
Montgomery, AL 36104  
**TELEPHONE:** 212-590-9070



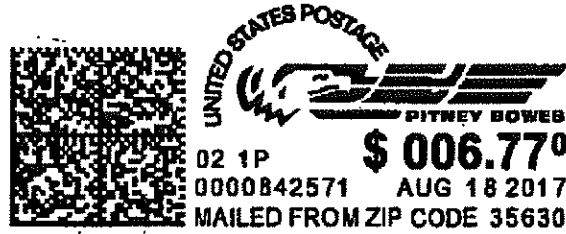
MISSY HOMAN  
CIRCUIT COURT CLERK  
LAUDERDALE COUNTY  
P.O. BOX 795  
FLORENCE, ALABAMA

**CERTIFIED MAIL®**



9314 7699 0430 0037 8078 39

RETURN RECEIPT REQUESTED



CT Corporation System  
2 North Jackson Street  
Suite 605  
Montgomery, AL 36104

State of Alabama  
Unified Judicial System  
Form ARCiv-93 Rev.5/99

Cas  
41  
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08/

**MEDIATION REQUESTED:** ☐ YES ☒ NO ☐ UNDECIDED



ELECTRONICALLY FILED  
8/16/2017 11:46 AM  
41-CV-2017-900279.00  
CIRCUIT COURT OF  
LAUDERDALE COUNTY, ALABAMA  
MISSY HOMAN, CLERK

## IN THE CIRCUIT COURT OF LAUDERDALE COUNTY ALABAMA

**Opha D. Thompson**

**Plaintiff,**

**v.**

**The Prudential Insurance Company)  
of America**

**Defendant..**

**CASE NO.:**

### **ERISA COMPLAINT**

#### **Jurisdictional Allegations**

1. Plaintiff, Opha D. Thompson, is a resident of the State of Alabama and resides in Lauderdale County, Alabama.
2. Plaintiff is a plan participant or plan beneficiary in the Hillshire Brands Company Long Term Disability Plan (hereinafter referred to as the "Plan"), which is an "employee welfare benefit plan" as defined under 29 U.S.C. 1002(1). This Plan is sponsored by Hillshire Brands Company, Plaintiff's former employer.
3. The Plan is insured by Defendant, The Prudential Insurance Company of America (hereinafter referred to as "Prudential") under a group policy number 50009-IL issued to Hillshire Brands Company under the laws of the state of Illinois.

4. Prudential both insures the Plan and determines eligibility long-term disability benefits.

5. Prudential is a foreign corporation with its principal headquarters in Newark, New Jersey.

6. The Plaintiff's complaint is for benefits due under an employee welfare benefit plan pursuant to 29 U.S.C. 1132(a)(1)(B). State Courts have concurrent jurisdiction of such actions pursuant to 29 U.S.C. 1132 (e)(1).

### **Factual Allegations**

7. Plaintiff worked for Hillshire Brands Company as a biscuit assembler from 1982 through May of 2012. Thereafter, the Plaintiff was unable to work at her own occupation or any occupation due to various medical illnesses or sicknesses including osteoarthritis involving pain and swelling in her hands, legs and knees, uncontrolled high blood pressure, blurred vision and headaches.

8. The Plaintiff's last day of work with her employer was May 9, 2012. After a 180 waiting period, Prudential began paying Plaintiff monthly long term disability benefits effective November 8, 2012 due to her disability.

9. In a letter dated May 1, 2014, Prudential informed the Plaintiff that it would terminate monthly payments effective May 31, 2014 due to lack of medical support for continuing disability.

10. In a letter dated June 9, 2014, Prudential advised that they were reinstating monthly long term disability benefits.

11. In a letter dated June 17, 2014, Prudential advised that *effective* November 7, 2014 that the Plaintiff would no longer meet the definition of disabled under the terms Plan, that monthly benefits would terminate on November 7, 2014 and that she could appeal this decision to Prudential within 180 days.

12. In a letter dated December 3, 2014, the Plaintiff appealed Prudential's decision to terminated monthly long term disability benefits.

13. In a letter dated February 24, 2015, Prudential advised the Plaintiff that her appeal was denied and that she had exhausted her administrative remedies under the Plan. Prudential also informed the Plaintiff that she could also file a second voluntary appeal.

14. In a letter dated August 19, 2015, the Plaintiff filed a second voluntary appeal appealed regarding the termination of her monthly long term disability benefits effective November 7, 2014.

15. In a letter dated September 18, 2015, Prudential denied Plaintiffs voluntary appeal.

### **COUNT I**

16. Plaintiff re-adopts and re-alleges the Jurisdictional and Factual Allegations set out in preceding paragraphs, as if, fully and completely set out herein.

17. Prudential has wrongfully terminated the Plaintiff's long-term disability benefits effective November 7, 2014. Plaintiff is disabled under the terms of the Plan due to the various medical conditions listed in paragraph 7.

18. Plaintiff is entitled under the Plan to back due benefits from November 7, 2014 to date and continuing monthly long-term disability benefits under her normal retirement age pursuant to 29 U.S.C. 1132(a)(1)(b) for as long as Plaintiff remains disabled under the terms of the Plan.

19. Plaintiff has had no choice but to file this action for benefits due under the terms of the Plan and has had to hire an attorney to help her prosecute both her appeals and this action.



WHEREFORE THESE PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court will enter a judgment in favor of the Plaintiff and against the Defendant for past due long-term disability benefits pursuant to 29 U.S.C. 1132(a)(1)(b); for the Court to order the Defendant to pay future long-term disability benefits to the Plaintiff under the terms of the Plan for as long as the Plaintiff remains disabled; and for the Court to order the Defendants to pay interest on back due benefits and to award a reasonable attorney's fees and other costs pursuant to 29 U.S.C. 1132(g).

R. Willson Jenkins  
R. Willson Jenkins (ASB-1097-i61R)  
Attorney for Plaintiff  
P.O. Box 1061  
Florence, AL 35631-1061  
256-764-3941  
Willson@JenkinsandGonce.com

**\*Defendant to be served by certified mail**

**The Prudential Life Insurance Company of America  
Registered Agent: CT Corporation System  
2 North Jackson Street  
Suite 605  
Montgomery, AL 36104**



## AlaFile E-Notice

41-CV-2017-900279.00

To: ROBERT WILLSON JENKINS MR.  
billie@jenkinsandgonce.com

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

OPHA D THOMPSON V. CT CORPORATION SYSTEM  
41-CV-2017-900279.00

The following complaint was FILED on 8/16/2017 11:46:59 AM

Notice Date: 8/16/2017 11:46:59 AM

MISSY HOMAN  
CIRCUIT COURT CLERK  
LAUDERDALE COUNTY, ALABAMA  
200 SOUTH COURT STREET  
FLORENCE, AL, 35630

256-760-5728



## AlaFile E-Notice

41-CV-2017-900279.00

To: CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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FLORENCE, AL, 35630

256-760-5728

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>41-CV-2017-900279.00</b>
<b>IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA</b> <b>OPHA D THOMPSON V. CT CORPORATION SYSTEM</b>		
<b>NOTICE TO:</b> CT CORPORATION SYSTEM, 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104 <div style="text-align: center; margin-top: -10px;">(Name and Address of Defendant)</div>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), ROBERT WILLSON JENKINS MR. <div style="text-align: center; margin-top: -10px;">[Name(s) of Attorney(s)]</div>		
WHOSE ADDRESS(ES) IS/ARE: 210 E. TENNESSEE STREET, FLORENCE, AL 35630 <div style="text-align: center; margin-top: -10px;">[Address(es) of Plaintiff(s) or Attorney(s)]</div>		
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.		
<b>TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:</b>		
<input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.		
<input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of OPHA D THOMPSON pursuant to the Alabama Rules of the Civil Procedure. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>8/16/2017 11:46:59 AM (Date)</div> <div>/s/ MISSY HOMAN (Signature of Clerk)</div> <div>By: _____ (Name)</div> </div>		
<input checked="" type="checkbox"/> Certified Mail is hereby requested. <span style="float: right;">/s/ ROBERT WILLSON JENKINS MR. (Plaintiff's/Attorney's Signature)</span>		
<b>RETURN ON SERVICE</b>		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <div style="text-align: right; margin-right: 100px;">(Date)</div>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ <div style="display: flex; justify-content: space-between; margin-top: -10px;"> <div>_____</div> <div>in _____</div> <div>County,</div> </div> <div style="display: flex; justify-content: space-between; margin-top: -10px;"> <div>(Name of Person Served)</div> <div>(Name of County)</div> </div>		
Alabama on _____ <div style="text-align: center; margin-top: -10px;">(Date)</div>		
_____ (Type of Process Server)	_____ (Server's Signature)	_____ (Address of Server)
	_____ (Server's Printed Name)	_____ (Phone Number of Server)

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>41-CV-2017-900279.00</b>
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WHOSE ADDRESS(ES) IS/ARE: 210 E. TENNESSEE STREET, FLORENCE, AL 35630 <div style="text-align: center;">(Address(es) of Plaintiff(s) or Attorney(s))</div>		
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<input checked="" type="checkbox"/> Certified Mail is hereby requested.		
/s/ ROBERT WILLSON JENKINS MR. (Plaintiff's/Attorney's Signature)		
<b>RETURN ON SERVICE</b>		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <div style="text-align: right;">(Date)</div>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ <div style="text-align: center;">in _____ County,</div> <div style="display: flex; justify-content: space-between;"> <div>(Name of Person Served)</div> <div>(Name of County)</div> </div>		
Alabama on _____ <div style="text-align: center;">(Date)</div>		
(Type of Process Server)	(Server's Signature)	(Address of Server)
(Server's Printed Name)		(Phone Number of Server)
<b>41-CV-2017-900279.00</b> <b>OPHA D THOMPSON V. CT CORPORATION SYSTEM</b>		
C001 - OPHA D THOMPSON (Plaintiff)	v.	D001 - CT CORPORATION SYSTEM (Defendant)
		
<b>SERVICE RETURN COPY</b>		